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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA

Plaintiff,

vs.

MICHAEL GALE NASH,

Defendant.

Case No. 3:23-mj-00575-MMS

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Michael Harkless, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is submitted in support of a criminal complaint against MICHAEL GALE NASH for violating 18 U.S.C. § 2113(a), and 18 U.S.C. § 2113(f) – Bank Robbery.

2. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

3. I have been a Special Agent (SA) with the Federal Bureau of Investigation (FBI) since February 2022. Since that time, I have been assigned investigative responsibilities in the areas of violent gangs and criminal enterprises investigation in the

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Anchorage Field Office where I am currently assigned. The Anchorage Field Office is located within the District of Alaska. During this assignment, I have focused on drug, violent gang, criminal enterprises, and felon in possession of a weapon investigations. I have been involved in cases involving the investigation and prosecution of defendants for violations of Title 18 of the United States Code. I have been assigned as one of FBI Anchorage's Bank Robbery Coordinators during my time with the Anchorage Field Office, and I have assisted with the investigation of five other bank robberies between November 2022 and present.

4. Prior to my employment with the FBI, I served as an active-duty Army officer from May 2011 to January 2022.

5. Prior to my assignment to the Anchorage Field Division, I attended and graduated from a five-month Basic Field Training Course operated by the FBI at Quantico, Virginia. During my training at the FBI Academy, I received training in a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause.

6. After graduating the FBI Academy, I received additional training and instruction from several FBI SAs and Task Force Officers (TFO) in the Anchorage FBI Office and several other law enforcement agencies in Anchorage, AK. Part of that additional training was a two-month training rotation with other squads in the Anchorage office. These squads included the Counterintelligence, Cyber, Counterterrorism, and White-Collar squads

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7. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

RELEVANT STATUTES AND REGULATIONS

8. The relevant statutory authority and terms used in this affidavit and its attachments are described and defined below.

- a. 18 U.S.C. § 2113(a), states: "Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association;"
- b. 18 U.S.C. § 2113(f), states: "As used in this section the term "bank" means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, including a branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), and any institution the deposits of which are insured by the Federal Deposit Insurance Corporation."

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INVESTIGATION AND PROBABLE CAUSE

9. First National Bank (FNB) is a bank that was, at all times relevant to this case, was insured by the Federal Deposit Insurance Corporation (FDIC). FNB operates a number of branches in Anchorage, Alaska, to provide financial services to its members.

10. Just after 9:00 am on October 02, 2023, MICHAEL GALE NASH attempted to enter the FNB branch located at 201 W 36th Avenue, Anchorage, AK 99503.

11. Witness statements described NASH as wearing what appeared to be black-jeans, black boots, a black Carhart jacket, and a black hat. NASH was further described as a white male possibly in his fifties.

12. Witnesses stated NASH attempted to access the bank through the main door by pulling on the door several times. Two employees attempted to tell NASH the bank did not open until 10:00 am. NASH refused to leave and slipped a note through the doors to a bank supervisor. The supervisor saw the word “robbery” and immediately yelled for the bank door to be locked via secondary locking mechanism and to call 911.

13. Bank employees stated NASH remained at the bank’s primary entrance. Further, bank employees inside the bank were contacting other employees via cellular telephone to warn them of NASH. Bank employees inside the bank feared NASH would take an arriving employee outside the bank or a customer “hostage”.

14. A bank security officer approached NASH and requested NASH depart the bank or the police would be notified. NASH replied that he would not be departing and to

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go ahead and call the police. The security officer described NASH as acting nervous and stuttering several words.

15. Anchorage Police Department (APD) officers arrived and confronted NASH at the bank's entrance. Officers ordered NASH to the ground several times. NASH eventually complied and was compliant with officers during the rest of the arrest. APD officers told FBI SAs that during the arrest NASH made an excited utterance along the lines of this not being NASH's first time robbing a bank.

16. Following APD's arrest of NASH, APD Officers and FBI SAs entered the bank to investigate the crime. APD Officers and FBI SAs obtained witness statements, video surveillance of NASH's attempted robbery, and evidence of the robbery.

17. FBI SAs Douglas and Harkless received NASH's robbery note from APD Sargent Far. The note read, "This is a robbery – put the money in a bag & I will walk out. This is a robbery. God help us all."

18. FBI SAs Douglas and Harkless attempted to interview NASH while NASH was detained in the back of an APD patrol car. SA Douglas read NASH his Miranda Rights and asked NASH if he was willing to talk. NASH stated, "no comment" several times and continually shook his head no. NASH confirmed that he was MICHAEL GALE NASH. SAs ceased their attempt to interview NASH. After the attempted interview, APD patrolman stated NASH made comments in the patrol car along the lines of this not being NASH's first bank robbery.

19. FBI Anchorage ran records check for MICHAEL GALE NASH. The records check revealed that NASH was arrested, charged, and convicted for robbing the same FNB

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at 201 W 36th Avenue, Anchorage, AK 99503 in 2018. NASH was sentenced under court case number 3:18-CR-00071-01-TMB on November 20, 2018.

20. APD transported NASH to Anchorage Correctional Center East for booking. FBI SAs Douglas and Harkless followed and filled out a federal remand request for NASH at Anchorage Correctional Center East.

CONCLUSION

21. Based upon the information above, your affiant submits that there is probable cause to believe that on October 02, 2023, MICHAEL GALE NASH attempted to steal or purloin, money belonging to, or in the care, custody, control, management, or possession of First National Bank located at 201 W 36th Avenue in Anchorage, Alaska, in violation of 18 U.S.C. § 2113(a), and 18 U.S.C. § 2113(f) – Bank Robbery.

Respectfully submitted,

Michael Harkless

MICHAEL HARKLESS
Special Agent
Federal Bureau of Investigation

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed.R.Crim. P. 4.1 and 4(d) this 2nd day of October, 2023.

[Signature]

HON. MATTHEW N. SYLVE
Chief United States District Judge
District of Alaska

